

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

IN RE:) CASE NO. 14-12297 SDB
)
SCIENCE FITNESS, LLC)
)
DEBTOR) CHAPTER 7
)
JOY R. WEBSTER, TRUSTEE)
)
PLAINTIFF/COUNTERDEFENDANT) ADVERSARY PROCEEDING
) NO. 16-1034 SDB
VS.)
)
EVANS FITNESS CLUB EXPRESS, LLC)
)
DEFENDANT/COUNTERPLAINTIFF)

MOTION FOR SUMMARY JUDGMENT

Joy R. Webster, Trustee (“Trustee”), Plaintiff in the above referenced adversary proceeding, files her Motion for Summary Judgment (“Motion”) pursuant to Fed.R.Bankr.P. 7056. The Court should grant the Motion. There is no genuine issue as to any material fact, and the Plaintiff is entitled to summary judgment as a matter of law.

The Trustee requests a declaratory judgment that the Defendant (“Express”) did not purchase the Disputed Items from the Trustee. The Trustee also reserves the right to request indemnification from Express pursuant to section 8.5 of the APA for all legal fees and expenses related to this adversary proceeding and Adversary Proceeding No. 16-1035 along with any damages that may be assessed against the Trustee in Adversary Proceeding No. 16-1035.

This 8th day of May, 2017.

Akin, Webster & Matson, P.C.
P.O. Box 1773
Macon, GA 31202
(478) 742-1889
rmatson@akin-webster.com

/s/ Robert M. Matson

Robert M. Matson
Attorney for Plaintiff
State Bar No. 477102